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UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
SOUTHERN DIVISION

ARKANSAS HANDBOOK (A Area)

1940 Agricultural Conservation Program

APPLICABLE TO THE FOLLOWING COUNTIES OR AREAS:
ARKANSAS, BAXTER, BENTON, BOONE, CARROLL, CLAY,
FULTON, INDEPENDENCE, MADISON, MARION, NEWTON,
RANDOLPH (EXCEPT AREA I), SEARCY, SHARP, STONE,
AND WASHINGTON

+

Program effective from January 1, 1940
to November 30, 1940

+

Issued January 1940



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1940

CONTENTS

	Page
Sec. 1. COTTON:	
A. Farm allotments.....	2
B. Farm normal yields.....	2
C. Payments.....	3
D. Acreage planted to cotton.....	3
Sec. 2. WHEAT:	
A. Farm allotments.....	3
B. Non-wheat-allotment farm.....	3
C. Farm normal yields.....	3
D. Payments.....	4
E. Acreage planted to wheat.....	4
Sec. 3. RICE:	
A. Allotments.....	4
B. Farm normal yields.....	5
C. Payments.....	5
Sec. 4. TOBACCO:	
A. Farm allotments.....	5
B. Farm normal yields.....	5
C. Payments.....	6
Sec. 5. TOTAL SOIL-DEPLETING CROPS:	
A. Farm allotments.....	6
B. Farm productivity indexes.....	6
C. Payments.....	6
D. Non-general-allotment farm.....	7
E. General soil-depleting crops or general crops.....	7
Sec. 6. SOIL-BUILDING GOALS, PAYMENTS, AND PRACTICES:	
A. National goal.....	7
B. County goals.....	7
C. Farm goals.....	7
D. Payments.....	7
E. Soil-building practices.....	8
Sec. 7. SOIL-DEPLETING ACREAGE.....	13
Sec. 8. DIVISION OF PAYMENTS AND DEDUCTIONS:	
A. Payments and deductions for acreage allotments.....	15
B. Soil-building practice payments.....	15
C. Proration of net deductions.....	15
Sec. 9. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS:	
A. Increase in small payments.....	16
B. Payments limited to \$10,000.....	16
C. Deductions incurred on other farms.....	17
D. Deduction for association expenses.....	17
E. Payment restricted to effectuation of the purposes of the program.....	17
F. Payment computed and made without regard to claims.....	17
G. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.....	18
H. Assignments.....	18
I. Excess cotton acreage.....	18
J. Materials furnished to carry out soil-building practices.....	19
Sec. 10. APPLICATION FOR PAYMENT:	
A. Persons eligible to file applications.....	20
B. Time and manner of filing application and information required.....	20
C. Application for other farms.....	20
Sec. 11. APPEALS.....	21
Sec. 12. DEFINITIONS.....	21
Sec. 13. AVAILABILITY OF FUNDS.....	22

ARKANSAS HANDBOOK (A AREA)

1940 Agricultural Conservation Program

FOREWORD

The 1940 Agricultural Conservation Program is a continuation of the conservation program which has been in effect for the last four years, with some new provisions to make the program more effective.

As in the past programs, the objectives of the 1940 program are:

- (1) To help farmers get and maintain a fair share of the national income.

- (2) To protect the interests of consumers by providing for ample supplies of food, feed, fiber, and other agricultural products at prices that are fair to both consumers and producers.

- (3) To guarantee, as nearly as possible, continued ample supplies of agricultural products by conserving and rebuilding national soil resources through the adjustment of soil-depleting crop acreages and widespread use of soil-building practices.

- (4) To improve the living conditions of farm people by increasing the production of food and feed crops for home use.

To approach these objectives, national, State, county, and farm allotments for major soil-depleting cash crops are determined and payments are made for planting within these farm allotments. Assistance is also provided for carrying out soil-building practices which could not otherwise be carried out. The purpose of these allotments is to help farmers to maintain the nation's supply of farm products more nearly in line with demand and to more nearly stabilize income at the parity level than would be the case if there were no orderly and balanced system of production and marketing of these products.

Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration, payments and materials as grants of aid will be made for participation in the A Area of Arkansas in the 1940 program, in accordance with the provisions of said bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions in this handbook (except section 9 B) are applicable only to farms in the A Area of Arkansas but such provisions are not applicable to lands owned by the United States and administered by the Forest Service of the United States Department of Agriculture, United States Soil Conservation Service, United States Bureau

INTRODUCTION

of Agricultural Economics, Bureau of Biological Survey, or any other lands in which the United States has acquired the beneficial ownership for the primary purpose of effecting the conservation of such land and with a view to retaining it permanently under government ownership. Therefore, no payment may be made to any producer under the 1940 program with respect to lands owned by these governmental agencies.

Section 1. COTTON

A. Farm Allotments. The same method used in establishing cotton allotments for 1939 will be used in 1940. The cotton allotment for each farm is a fixed percentage—uniform for the county or administrative area—of the farm's cropland, excluding the acreage normally devoted to the commercial production of tobacco, wheat, and rice, with certain exceptions and special provisions, as follows:

(1) Farms for which the allotment would otherwise be 5 acres or less will have an allotment of the smaller of 5 acres or the highest cotton acreage planted and diverted in 1937, 1938, or 1939.

(2) Regardless of other provisions, no allotment will be less than 50 percent of the 1937 planted and diverted cotton acreage, provided that no allotment is thereby increased to more than 40 percent of the farm's cropland.

(3) A small reserve may be allotted to farms that would otherwise have an allotment of 5 acres or more.

(4) No allotment determined under the above will be larger than the highest cotton acreage planted and diverted in any of the past 3 years.

(5) A small reserve may be available from any "frozen" cotton allotments released by operators to be used to increase allotments that are inadequate and not representative.

(6) A small acreage reserve is available for "new" cotton farms, that is, farms on which cotton is planted in 1940 for the first time since January 1, 1937.

B. Farm Normal Yields. The county committee, with the assistance of other local committees, shall determine a normal cotton yield for each farm having a cotton allotment.

(1) The normal yield shall be the actual average yield of cotton per acre for the 5 years 1935 to 1939, inclusive, adjusted for abnormal weather conditions, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines to be the average yield which was or could reasonably have been expected on the farm for such 5-year period on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all farms in the county or administrative area will not exceed the normal yield established for the county or administrative area.

C. Payments. The payment is **1.6 cents** for each pound of the normal yield for each acre in the cotton allotment. If the acreage planted to cotton is in excess of the allotment, there will be a deduction at the rate of **4 cents** for each pound of the normal yield of the excess acres. **Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.**

D. Acreage Planted to Cotton means the acreage seeded to cotton, the staple of which is normally less than $1\frac{1}{2}$ inches in length, which reaches the stage of growth at which bolls are first formed.

Section 2. WHEAT

A. Farm Allotments. (1) The county committee, with the assistance of other local committees, shall determine allotments for farms on which wheat was planted for harvest in one or more of the years 1937, 1938, or 1939, on the basis of tillable acreage and crop-rotation practices, as reflected in the usual acreage of wheat on the farm, or the ratio of wheat acreage to cropland in the community or in the county, and on the basis of the type of soil and topography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable.

(2) Not more than 3 percent of the county allotment shall be apportioned to farms on which wheat was not planted for harvest in any of the years 1937, 1938, or 1939, but on which wheat is planted for harvest in 1940. This apportionment shall be made on the basis of tillable acreage, crop-rotation practices, type of soil, and topography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable.

B. Non-Wheat-Allotment Farm means a farm for which a wheat allotment is determined and the persons having an interest in the wheat planted on the farm elect on or before October 1, 1939, or within 15 days after notice of the allotment is mailed to the operator, to have such farm considered as a non-wheat-allotment farm.

C. Farm Normal Yields. The county committee, with the assistance of other local committees, shall determine a normal wheat yield for each farm having a wheat allotment and for each non-wheat-allotment farm on which the wheat acreage for harvest in 1940 is in excess of 10 acres.

(1) The normal yield shall be the actual average yield of wheat per acre for the 10 years 1929 to 1938, inclusive, adjusted for trends in yields and abnormal weather conditions, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 10-year period reliable records of the actual yield are not available or there was no actual yield because wheat was not planted on the farm in such year, the normal yield for

the farm shall be the yield which the county committee determines was or could reasonably have been expected on the farm for such 10-year period on the basis of all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all farms in the county will not exceed the normal yield established for the county.

D. Payments. For a wheat-allotment farm, the payment is 9 cents for each bushel of the normal yield for each acre in the wheat allotment. There shall be a deduction at the rate of 50 cents for each bushel of the normal yield of the acreage planted to wheat in excess of the allotment.

For a non-wheat-allotment farm, a deduction shall be computed on the above basis for each acre of wheat harvested for any purpose after reaching maturity in excess of the larger of the allotment or 10 acres.

E. Acreage Planted to Wheat means (1) any acreage seeded to wheat (except when it is seeded in a mixture containing less than 50 percent by weight of wheat, or containing 25 percent or more by weight of oats, rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a crop that could not be harvested as wheat for grain or seed); (2) any acreage of volunteer wheat which remains on the land after May 1, 1940; and (3) any acreage seeded to a mixture designated under (1) above and the wheat matures but the other crops fail to mature.

Section 3. RICE

A. Allotments. (1) The county committee, with the assistance of other local committees and the approval of the State committee, shall determine a rice allotment for each farm tilled by a producer who is participating in the production of rice in 1940 and who participated in the production of rice in one or more of the 5 years 1935-1939 on the basis of the past production of rice adjusted to the acreage adapted to the production of rice on the land he will operate in 1940, taking into consideration crop-rotation practices, soil fertility, the acreage diverted under previous agricultural adjustment or conservation programs, and other physical factors affecting the production of rice, including the labor and equipment available for the production of rice on the farm.

(2) An acreage not to exceed 3 percent of the State allotment shall be apportioned to farms tilled by producers who are participating in the production of rice in 1940 for the first time since January 1, 1935, on the basis of the applicable standards of apportionment set forth in paragraph (1), except that the allotment for any farm operated by any person(s) who is participating in the production of rice in 1940 for the first time since January 1, 1935, shall not exceed 75 percent of the allotment which would have been made to the farm had such person(s) participated in the production of rice in one or more of the 5 years 1935-1939.

B. Farm Normal Yields. The State and county committees, with the assistance of other local committees, shall determine a normal rice yield for each farm having a rice allotment.

(1) The normal yield of rice for the farm shall be the actual average yield of rice per acre for the 5 years 1935-1939, if reliable records of the actual average of such yields are presented by the producer or are available to the committees.

(2) If for any year of such 5-year period records of the actual yield are not available or there was no actual yield because rice was not planted on the farm in such year, the county committee shall ascertain from all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the yield which was or could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under paragraph (1) of this subsection.

(3) If the average of the normal yields for all farms participating in the 1940 program in the State (weighted by the allotments) exceeds the average yield per acre for the State during the 5 years 1935-1939 established by the Secretary, the normal yields for such farms, determined under paragraphs (1) and (2) of this subsection, shall be reduced pro rata so that the average of such normal yields will not exceed the State average yield.

C. Payments. The payment is **6.5 cents** for each 100 pounds of the normal yield for each acre in the rice allotment. If the acreage planted to rice is in excess of the rice allotment, there shall be a deduction at the rate of **65 cents** for each 100 pounds of the normal yield of the excess acres.

Section 4. TOBACCO

A. Farm Allotments. The county committee, with the assistance of other local committees, shall determine an acreage allotment for Burley tobacco for any farm on which Burley tobacco was produced in one or more of the 5 years 1935-1939 on the basis of past acreage of Burley tobacco (harvested and diverted), with due allowance for drought, flood, hail, other abnormal weather conditions; plant-bed and other diseases; land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco. Special consideration shall be given to farms for which acreage allotments are small. The allotment for any farm on which tobacco is produced in 1940 for the first time since January 1, 1935, shall be determined on the basis of the tobacco-producing experience of the farm operator, land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

B. Farm Normal Yields. The county committee, with the assistance of other local committees, shall determine a normal tobacco yield for each farm for which a tobacco allotment is determined or a deduction is computed in accordance with the following provisions:

(1) The normal yield for any farm on which tobacco was produced in one or more of the 5 years 1935-1939 shall be determined on the

basis of the yields of tobacco made on the farm in such 5-year period, taking into consideration the soil and other physical factors affecting the production of tobacco on the farm, and the yields obtained on other farms in the locality which are similar with respect to such factors.

(2) The normal yield for any farm on which tobacco is produced in 1940 for the first time since January 1, 1935, shall be that yield per acre which the local committee determines is fair and reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

(3) The weighted average of the normal yields for **all** farms in each county shall not exceed the normal yield for the county.

C. Payments. The payment is **1 cent** for each pound of the normal yield for each acre in the Burley tobacco allotment. If the acreage of Burley tobacco harvested is in excess of the allotment, there shall be a deduction at the rate of **8 cents** for each pound of the normal yield of the excess acreage.

Section 5. TOTAL SOIL-DEPLETING CROPS

A. Farm Allotments. The county committee, with the assistance of other local committees, shall determine a total soil-depleting allotment for each farm. The allotment shall be determined on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, and the acreage of all soil-depleting crops customarily grown on the farm, taking into consideration special allotments. The allotments shall be comparable for all farms in the same community which are similar with respect to the above factors.

B. Farm Productivity Indexes. The county committee, with the assistance of other local committees, shall determine a productivity index for each farm participating in the program. Such productivity index shall be based upon the normal yield per acre for the farm of the principal soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the principal soil-depleting crop in the county does not accurately reflect the productivity of a farm, the yield of a crop that does reflect the productivity index for such farm may be used, provided that the productivity index for such farm shall be adjusted, if necessary, so as to be fair and equitable as compared with the productivity indexes for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity. The average productivity index for **all** farms in the county shall not exceed 100, unless it is determined that farms for which such indexes are established are not representative of all farms in the county and a variation from 100 is approved by the Administrator.

C. Payments. The rate of payment for general-allotment farms is the county rate per acre,¹ adjusted for productivity, for each acre

¹ The average rate of payment per acre for general crops in the United States is \$1.10 per acre and the average rate of deduction is \$8 per acre. The Secretary will establish for each county a rate of payment and deduction per acre.

in the total soil-depleting allotment in excess of the sum of the special crop allotments for which payments are computed. For general-allotment farms, there shall be a deduction at the county rate,¹ adjusted for productivity, for the soil-depleting acreage in excess of the sum of (1) the total allotment and (2) the acreage for which deductions are computed with respect to special crops. For non-general-allotment farms, there shall be a deduction on the above basis for the soil-depleting acreage in excess of the sum of (1) 20 acres, (2) the cotton allotment for the farm, and (3) the acreage for which deductions are computed with respect to special crops.

D. Non-General-Allotment Farm means a farm for which a total soil-depleting allotment (excluding the cotton allotment) of 20 acres or less is determined and the persons having an interest in the general crops planted on the farm elect prior to March 31, 1940, to have such farm considered as a non-general-allotment farm.

E. General Soil-Depleting Crops or General Crops means (1) all crops listed in the definition of "soil-depleting acreage," except special crops for which a separate payment or deduction is computed for the farm, and (2) wheat on a non-wheat-allotment farm.

Section 6. SOIL-BUILDING GOALS, PAYMENTS, AND PRACTICES

A. National Goal. The national goal is the conservation of the cropland not required in 1940 for the growing of soil-depleting crops, the restoration, insofar as is practicable, of a permanent vegetative cover on land unsuited to the continued production of cultivated crops, and the carrying out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

B. County Goals. Insofar as practicable, county goals shall be established, with the approval of the State committee, for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to conserve and improve soil fertility and to prevent erosion. **Payment will not be made in connection with any practice not included in the county goal.**

C. Farm Goals. The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.50 computed for the farm under subsection D of this section. The farm goal shall represent the number of units of applicable soil-building practices to be carried out. Insofar as practicable, the county committee shall determine what practices are to be carried out in meeting the goal. The county committee may specify for any farm in the county the practices for which, if carried out according to specifications, credit will be given toward meeting the farm goal. Practices to be included in the goal shall be those most needed to conserve and improve soil fertility and to prevent erosion and should not be routine farming practices.

D. Payments. The maximum payment which is available as assistance for carrying out soil-building practices is the sum of the following, except that if the sum of the maximum payments computed for any farm with respect to acreage allotments and under items (1) to (4), inclusive, of this subsection is less than \$20, the

See footnote 1, p. 6.

maximum payment available as soil-building assistance shall be increased by the amount of the difference:

(1) **55 cents** for each acre of cropland in excess of the total soil-depleting allotment for the farm;

(2) **\$1.50** for each acre of commercial orchards and perennial vegetables on the farm on January 1, 1940;

(3) **25 cents** per acre of fenced non-crop open pasture land in excess of one-half of the number of acres of cropland which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land;

(4) For non-general-allotment farms, the county rate per acre, adjusted for productivity, for each acre in the total allotment in excess of the sum of the special crop allotments for which payments are computed;

(5) **\$1.50** for each unit of credit for planting forest trees in accordance with practice 17, not to exceed **\$30**.

For each unit by which the soil-building goal is not reached, **\$1.50** will be deducted from the maximum soil-building assistance.

E. Soil-Building Practices. The soil-building practices listed below, if included in the county soil-building goal and if not disapproved by the county committee for the particular farm, shall count toward reaching the soil-building goal, to the extent indicated, when they are carried out during January 1, 1940 to November 30, 1940, inclusive, in accordance with specifications shown following each practice.

In cases where practices are carried out wholly or in part (the part representing one-half or more) with labor, seed, trees, or materials furnished by any State or Federal agency other than the AAA, such practices shall not be counted toward reaching the goal. If the part of the factors so furnished represents less than one-half, one-half of such practices shall be counted, except that when such factors are furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State, they shall not be considered to have been furnished by a State agency.

Application of Materials

1. Application of (a) 300 pounds of 16 percent superphosphate (or its equivalent) or (b) 500 pounds of basic slag or rock phosphate to, or with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, or permanent pasture—**One unit (\$1.50)**.

SPECIFICATIONS: The material must be applied evenly over the area on which application is made. In the case of winter legumes, crotalaria, and annual ryegrass, application must be made at or before the time of seeding. In the case of lespedeza seeded with small grains, the material must not be applied before the grain crop is harvested. Application must be made to lespedeza in all cases not later than July 15. The crops to which the material is applied must not be seeded or grown with a soil-depleting crop. Winter legumes seeded in row-crop middles are not considered as seeded or grown with a soil-depleting crop. Basic slag and rock phosphate must be ground sufficiently fine so that a minimum of 80 percent will pass through a 100-mesh sieve.

2. Application of 1,500 pounds of ground limestone or its equivalent—**One unit (\$1.50).**

SPECIFICATIONS: The limestone must be 90 percent or more calcium carbonate equivalent. If limestone of lower grade than this is used, it must be applied in amounts sufficient to supply calcium carbonate equivalent to the above. The materials listed below are equivalent to 1 ton of ground limestone:

- 1,000 pounds of burned limestone
- 1,400 pounds of hydrated lime
- 2,000 pounds of ground oyster shells
- 2,750 pounds of limestone screenings

The above materials must be of sufficient fineness so that 100 percent of the material will pass through a 10-mesh sieve; 80 percent through a 20-mesh sieve; 55 percent through a 60-mesh sieve; and 25 percent through a 100-mesh sieve.

3. Application of not less than 2 tons, air-dry weight, of straw or equivalent mulching materials (excluding barnyard and stable manure) per acre in orchards or on commercial vegetable land—**One unit (\$1.50).**

SPECIFICATIONS: "Equivalent mulching material" is interpreted to mean 1½ tons crotalaria, soybeans, cowpeas, or other hay-dry legumes, or 2 tons leaves. Pine needles and barnyard and stable manure are excluded.

Producers expecting to use this practice shall notify the county committee prior to carrying out of this practice and shall substantiate work done under this practice by such supporting data as are required by the county committee.

Seedings

4. Establishment of a permanent vegetative cover by planting crowns of kudzu—**Four units (\$6) an acre.**

SPECIFICATIONS: At least 500 crowns or 1,000 seedlings of kudzu per acre must be planted after the land has been prepared to a good state of cultivation similar for the planting of other crops. It will be necessary for the kudzu to be cultivated until the ground is covered by the vines. There must be a survival of 300 crowns or 500 seedlings per acre. Phosphate must be applied in connection with establishing kudzu on land deficient in humus and plant food.

5. Seeding adapted varieties of alfalfa—**One unit (\$1.50) an acre.**

SPECIFICATIONS: The minimum rate of seeding is 20 pounds per acre and seed must be inoculated. The land must be prepared in accordance with good farming practices in advance of planting time and be maintained in a good state of cultivation until planting date.

6. Seeding winter legumes—**One unit (\$1.50) an acre.**

SPECIFICATIONS: The crops, minimum seeding rates per acre, and final dates for seeding are as follows:

- Vetch—20 pounds—November 15
- Austrian winter peas—30 pounds—November 15
- Bur-clover (in the bur)—50 pounds—October 15
- Crimson clover—20 pounds—October 1

All clovers, vetches, and Austrian winter peas must be properly inoculated at the time of planting. All land subject to erosion should be seeded on beds on the contour. Phosphate or lime must be applied to winter legumes in fields where there is a known deficiency of these materials.

7. Seeding lespedeza—**Two-thirds unit (\$1) an acre.**

SPECIFICATIONS: Annual lespedeza must be seeded at not less than 20 pounds per acre, and lespedeza sericea at not less than 30 pounds per acre.

8. Seeding annual ryegrass, annual or biennial sweetclover, specified biennial or perennial legumes, or perennial grasses—**One-half unit (75 cents) an acre.**

SPECIFICATIONS: The crops that will qualify and the minimum seeding rates per acre are as follows:

Annual ryegrass—20 pounds
 Annual sweetclover—20 pounds
 Biennial sweetclover—20 pounds
 Alsike clover—10 pounds
 White Dutch clover—6 pounds
 Bermuda grass—5 pounds (hulled seed)
 Carpet grass—15 pounds
 Dallis grass—10 pounds for adapted imported seed or 15 pounds for domestic seed
 Orchard grass (where adapted)—20 pounds
 Rescue grass—14 pounds

In instances where home-grown seed is used, the amount of seed must be materially increased to compensate for certified seed. These crops must be planted on adapted soils. Alsike and White Dutch clover must be planted only on neutral or slightly acid soils. Biennial sweetclover must be seeded on lime soils or where sufficient lime has been added to warrant good growth. Carpet grass is best-suited to creek bottoms in the southern part of the State; Dallis grass is adapted to the better soils in most all sections of the State, while orchard and rescue grass only in the central and northern parts of the State. Dallis grass, carpet grass, and Bermuda grass seeded alone will qualify under this practice, but when seeded at a full seeding rate in a pasture mixture, as provided in practice 10, they will qualify at a higher rate of credit under practice 10. No credit will be given for carrying out this practice in 1940 on land on which practice 9 or 10 is carried out in 1940.

Pasture

9. Establishment of permanent vegetative cover by planting sod pieces of perennial grasses—**Two units (\$3) an acre.**

SPECIFICATIONS: Establishing of permanent vegetative cover under this practice is to be done on cropland or non-cropland. Land to be sodded must be prepared as for seeding a permanent pasture, and the sodding must be done either in contour furrows not more than 3 feet apart and 3 feet in the furrow, with special precautions to provide a furrow deep enough and wide enough to provide for good lodging of the sod and adequate covering, or by broadcasting sod pieces on the land that has been disked or broken, and be followed by plowing to properly cover the sod pieces.

10. Seeding permanent pasture mixtures containing a full seeding of Dallis, Bermuda, or carpet grass—**Two units (\$3) an acre.**

SPECIFICATIONS: The establishment of a permanent pasture by seeding one of the following mixtures of perennial grasses and clovers per acre:

(a) The following mixture will be acceptable in all parts of the State:

Bermuda grass—5 pounds (hulled seed)

Lespedeza—8 pounds

Hop clover—3 pounds

White Dutch clover—3 pounds

or bur-clover—15 pounds in bur seeded with 15 bushels manure

(b) The following mixture is suitable to creek bottom sandy loam soils of the southern part of the State:

Carpet grass—10 pounds

Lespedeza—8 pounds

Hop clover—3 pounds

White Dutch clover—3 pounds

or bur-clover—15 pounds in bur seeded with 15 bushels manure

(c) The following mixture is suitable and acceptable to most of the upland and medium fertile soils throughout the State:

Bermuda grass—3 pounds (hulled seed)

Dallis grass—5 pounds

Lespedeza—8 pounds

Hop clover—3 pounds

White Dutch clover—3 pounds

or bur-clover—15 pounds in bur seeded with 15 bushels manure

Cropland or non-cropland to be seeded to permanent pasture must be prepared for seeding by disking and harrowing or its equivalent. The seedbed should be firm before the seed is sown. No credit will be given for carrying out this practice in 1940 on land on which practice 9 is carried out in 1940 or was carried out under previous agricultural conservation programs.

11. Contour ridging non-crop open pasture land—1,000 linear feet of ridge, one unit (\$1.50).

SPECIFICATIONS: (a) Contour ridges must be located on slopes between 2 and 20 percent.

(b) Contour ridges must be laid off on the level.

(c) Horizontal spacing must not exceed 40 feet on the more gentle slopes, and on the steeper slopes should not exceed 20 feet.

(d) Base width must be not less than 4 feet on the steeper slopes to 6 feet on the more gentle slopes.

(e) Contour ridges should be constructed with the ends curved up the slope, and the channel blocked at least every 25 to 30 feet. Such ridges must not cross gullies, but the ends must be curved up to direct water from the gully.

12. Construction of reservoirs and dams—10 cubic yards of material moved in making the fill or excavation, one unit (\$1.50).

SPECIFICATIONS: The reservoir or dam to be constructed must be determined by the county committee to be an efficient means of preventing erosion. The county committee must approve the site before construction is begun.

This practice must be carried out in accordance with detailed specifications approved by the State committee and the Director of the Southern Division which may be obtained from the county office.

Erosion Control

13. Construction of terraces and outlets on cropland or fenced non-crop open pasture land—200 linear feet of terrace, one unit (\$1.50).

SPECIFICATIONS: (a) **Slope:** Terraces constructed on cropland with slopes from 3 to 8 percent will qualify, and in addition, slopes up to 12 percent in the limestone area in the gravelly phases and in black land of southwest Arkansas may be terraced.

Small areas with slopes in excess of the above may be terraced where it is necessary to include such area to complete the terrace system for the field.

(b) **Vertical distance:** The maximum vertical distance between terraces is determined by adding 2 to the slope in percent and dividing by 2. A tolerance of 6 inches will be allowed.

(c) **Fall:** The maximum fall for terrace channels shall be 4 inches per 100 linear feet. A variable fall is recommended for terraces of more than 400 feet in length.

(d) **Width and height:** The ridge-type terrace for the more gentle slopes shall not be less than 18 feet wide measured from the center of the water channel above the terrace to the edge of the bank below the terrace. The settled height shall not be less than 18 inches from the bottom of the water channel to the top of the terrace. All measurements are to be made at the narrowest part of the terrace, and at the lowest points in the ridge.

For steeper slopes, the channel-type terrace (a shallow V-shaped ditch, with all earth moved to form a ridge on the lower side) should be used and may be used on all slopes adapted to terracing. The channel shall be not less than 12 feet wide on the steeper slopes, and 16 feet wide on the more gentle slopes, measured from the crest to the upper side of the cut, and the depth of the channel shall be not less than 16 inches at the bottom of the V-cut.

(e) **Outlets:** Proper terrace outlets must be constructed. Terrace systems should be so planned that the terraces may outlet individually upon well-sodded pastures or meadows, or into well-protected wooded areas. If conditions are unfavorable for this method, a meadow or pasture strip should be developed for outlet control. Where the above conditions are not possible or practical, a sodded channel must be established. The outlet ends of all terrace channels shall be protected by the use of adapted vegetative strips, rocks, or other suitable impediments.

14. Stripcropping with alternate strips of close-grown crops and intertilled crops—**Four acres, one unit (\$1.50).**

SPECIFICATIONS: Erosion-resisting strips may be planted to kudzu, alfalfa, annual lespedeza, lespedeza sericea, crotalaria, winter legumes alone or in combination with small grains, small grains, cowpeas in combination with sorghum or Sudan grass, sorghum, Sudan grass, or other dense-growing crops.

(a) Strips shall be laid off with an accurate terrace level on terrace spacings recommended in practice 13.

(b) Strips of either erosion-resisting or erosion-permitting crops shall not be less than 20 feet nor more than 200 feet wide.

(c) On slopes up to 4 percent at least 25 percent of the total area shall be in protective cover; on slopes from 4 to 10 percent at least 33⅓ percent; and on slopes above 10 percent at least 50 percent of the total area. Slopes in excess of 4 percent must be terraced.

Green Manure and Cover Crops

15. (a) Green manure and cover crops of summer-growing non-legumes, except in orchards or on commercial vegetable or potato land—**One-half unit (75 cents) an acre.**

(b) Other green manure and cover crops (including summer-growing non-legumes in orchards or on commercial vegetable or potato land)—**One unit (\$1.50) an acre.**

SPECIFICATIONS: Credit will **not** be given for lespedeza, peanuts hogged off, soybeans from which the seed is harvested by mechanical means, or any crop for which credit is given in 1940 under any other practice. A summer-growing crop turned under on land subject to erosion must be followed by a winter cover crop. Crops such as vetch, Austrian winter peas, bur-clover, crimson clover, crotalaria, soybeans, cowpeas, mung beans, small grains, and sorghums may qualify.

A good stand and good growth must be obtained and left on the land or turned under. A good growth means a growth which, if harvested for hay, would make approximately ⅔ ton per acre of air-dry legumes and winter-growing non-legumes, and approximately 1½ tons per acre of air-dry summer-growing non-legumes.

16. Cowpeas, velvetbeans, crotalaria, or soybeans, interplanted or grown in combination with soil-depleting crops—**Four acres, one unit (\$1.50).**

SPECIFICATIONS: A good stand and good growth must be obtained and the vines not harvested, or in the case of soybeans the seed removed by mechanical means. A good growth means approximately ½ ton per acre of air-dry material (10 pounds green weight for an average plot of 100 square feet).

Forestry

17. Planting forest trees—**Five units (\$7.50) an acre.**

SPECIFICATIONS: (a) **Time of planting:** Planting to be done during the dormant season.

(b) **Kinds of trees:** Loblolly, slash, or shortleaf pine, red or Ozark white cedar, black locust, yellow poplar, white or green ash, red or white oaks, black walnut, catalpa, sweetgum, cottonwood, Osage-orange, to be planted pure or in mixture. One to three-year old seedlings or transplant stock is to be used.

(c) **Number and spacing:** 1,000 trees per acre must be planted of shortleaf or loblolly pines, red cedar, or black locust, and 700 per acre of slash or longleaf pines or of hardwood species. This calls for spacings of about 6 by 6 feet apart for the shortleaf and loblolly, and 6 by 8 feet apart for the other pines and hardwoods.

(d) **Method of planting:** Ample holes must be dug to take all roots without curling main taproot. Dirt must be drawn into hole and thoroughly packed around roots without injury, with the trees set **tight in the ground** in planting.

(e) **Cultivation:** The hardwoods must be cultivated at least once the first growing season.

(f) **Protection:** The plantings must be adequately protected against injury from fire and livestock.

(g) **Survival:** Satisfactory survival shall be 700 trees per acre for forest plantations.

(h) Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency and may qualify under this practice.

18. Cultivating, protecting, and maintaining, by replanting if necessary, a good stand of forest trees, planted between January 1, 1937 and January 1, 1940—**Two units (\$3) an acre.**

SPECIFICATIONS: (a) Trees, except pines, must be cultivated twice between May and August.

(b) A stand composed of **not less than 900 pines or cedars per acre or 600 hardwood trees per acre** must be maintained, by replanting, if necessary, with seedlings of the same species between January 1 and March 1.

(c) The trees must be protected adequately to prevent damage by fire. All plantings of hardwood species must be fully protected from livestock by the construction of fences, if necessary. Firebreaks must be constructed by plowing or burning on sides adjacent to woodlands or fields having a fire hazard.

Miscellaneous

19. Growing of a home garden for a landlord, tenant, or sharecropper family on a farm—**One unit (\$1.50) for a garden.**

SPECIFICATIONS: (a) There must be at least one-fourth acre of garden for each family, but not less than one-tenth acre for each member of the family.

(b) The garden shall be planted in one piece of ground and in production throughout the year. At least 10 different vegetables must be produced. Adequate protection from livestock must be provided.

(c) The soil must be properly plowed and worked before seeding and must be kept free of weeds and in good state of cultivation after planting.

(d) An effort must be made to control insect pests.

Section 7. SOIL-DEPLETING ACREAGE

(a) **Soil-Depleting Acreage** means the acreage of land devoted during the 1940 crop year to one or more of the following crops. Land from which a volunteer crop is harvested shall be classified as if the crop were planted.

(1) Corn planted for any purpose, except roasting ear corn or popcorn grown in home gardens for use on the farm.

(2) Tobacco harvested for any purpose.

(3) Grain sorghums planted for any purpose.

(4) Cotton which reaches the stage of growth at which bolls are first formed.

(5) Sugarcane grown for any purpose.

(6) Rice planted for any purpose.

(7) Peanuts harvested for nuts or dug for hay.

(8) Annual truck and vegetable crops planted for any purpose, except when grown in home gardens for use on the farm.

(9) Potatoes planted for any purpose, except when grown in home gardens for use on the farm.

(10) Peas planted for canning or freezing, except when used as green manure or grown in home gardens for use on the farm.

(11) Small grains:

(a) Wheat on a farm for which a wheat allotment is determined, if considered as planted in accordance with the definition in section 2 E.

(b) Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops, harvested for grain.

(c) Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops, harvested for hay, except when (i) lespedeza or sweetclover is seeded in a workmanlike manner before the small grain is cut, and the small grain is cut not later than the early milk stage or (ii) grown in a mixture containing at least 25 percent by weight of winter legumes.

(12) Sudan grass or millet harvested for grain or seed.

(13) Sweet sorghums harvested for any purpose. A summer legume and sweet sorghum mixture harvested for hay will not be considered as sweet sorghums, provided less than one-half of the harvested mixture is composed of sweet sorghums.

(14) Broomcorn planted for any purpose.

(15) Commercial bulbs and flowers harvested for any purpose.

(16) Flax planted for any purpose, except when matched acre for acre by biennial or perennial legumes or perennial grasses seeded alone in workmanlike manner.

(b) If one soil-depleting crop is followed by another soil-depleting crop on the same land, such land shall count only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. It is necessary to take into consideration the meaning of "acreage planted to wheat" and "acreage planted to cotton" in determining the soil-depleting classification of the land. For example, if a given acreage is considered as planted to wheat in accordance with the definition of "acreage planted to wheat," such acreage shall be considered as having been planted to wheat as well as being soil depleting. If the wheat then fails and cotton is seeded on the same land and reaches the bolling stage, the land shall be considered as having been planted to cotton as well as to wheat but shall be counted as soil depleting only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. In the above example, if, after reaching the bolling stage, the cotton fails and the same land is planted to a late general soil-depleting crop, such as grain sorghum, the classification of the land shall remain the same as above, that is, all of the land shall be classified as planted to wheat, all of it as planted to cotton, and all of it as soil depleting.

(c) If more than one soil-depleting crop occupies the land at the same time, the land shall be classified in accordance with the actual acreage occupied by each crop, except that if another soil-depleting crop is grown in alternate rows or strips, or both, with cotton and the rows or strips of cotton are less than 7 feet apart, cotton shall be considered to occupy all of the land.

(d) Truck crops and vegetables that are entirely consumed on the farm are considered as having been produced in home gardens for use on the farm, and the acreage devoted to such crops is not classified as soil depleting. The entire acreage devoted to any truck crop or vegetable, a part of which is used for commercial purposes, is considered as soil depleting.

(e) If a soil-depleting crop is interplanted with, grown in combination with, or followed by, a crop not classified as soil depleting, the entire acreage of land shall be classified as soil depleting; *Except*, That, where strips of soil-depleting crops, alternating with strips of

legumes or other crops not classified as soil depleting are 3 rows (10 feet) or more apart, the acreage occupied thereby is classified in accordance with the actual acreage occupied by such crops (the strips or rows not classified as soil depleting being measured from a point $1\frac{3}{4}$ feet from the outside of the strip of soil-depleting crop); provided, that if peanuts (whether or not soil depleting) are grown in alternate rows or strips, or both, with cotton and the rows or strips of cotton are 7 feet or more apart, the land shall be classified in accordance with the actual acreage occupied by each crop.

Section 8. DIVISION OF PAYMENTS AND DEDUCTIONS

A. Payments and Deductions for Acreage Allotments. The net payment or net deduction computed for any farm for special and general crops shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1940, with the following exceptions:

(i) **Crop failure, etc.** If any such crop is not grown on the farm in 1940 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed diseases, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have been entitled to share in the proceeds of such crop, if the entire acreage in the allotment for such crop had been planted and harvested in 1940.

(ii) **Underplanting cotton.** If for any reason the total acreage of cotton on the farm in 1940 is less than 80 percent of the cotton allotment and the acreage of cotton which is or would have been grown thereon by any tenant or sharecropper in 1940 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment or net deduction computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop, if the entire acreage in the cotton allotment had been planted and harvested in 1940, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1940.

B. Soil-Building Practice Payments. The payment for carrying out soil-building practices on the farm shall be made to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices in 1940, the payment shall be divided in the proportion that the units contributed by each such person bears to the total units contributed by all such persons. All persons contributing to practices carried out on a particular acreage shall be deemed to have contributed equally to the units, unless such persons prove to the county committee that their contributions were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto. **The furnishing of the land on which a practice is carried out will in no case be considered as a contribution to the carrying out of such practice.**

C. Proration of Net Deductions. If a net payment is computed for a farm as a whole, but a net deduction is computed for one or more of the persons interested therein, such net deductions shall be

prorated among the persons for whom a net payment is computed in the proportion that the net payment for each such person bears to the sum of all such net payments. If a net deduction is computed for any farm as a whole, no payment will be made with respect to such farm and the amount of such net deduction shall be prorated among the persons on the farm in the proportion that the net deduction computed for any person bears to the sum of the net deductions computed for all persons on the farm.

Section 9. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

A. Increase in Small Payments. The total payment computed under sections 1 to 8, inclusive, for any person on any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.
- (2) Any payment amounting to more than 71 cents but less than \$1 shall be increased by 40 percent.
- (3) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0. 40	\$32.00 to \$32.99	\$10. 40
\$2.00 to \$2.99	. 80	\$33.00 to \$33.99	10. 60
\$3.00 to \$3.99	1. 20	\$34.00 to \$34.99	10. 80
\$4.00 to \$4.99	1. 60	\$35.00 to \$35.99	11. 00
\$5.00 to \$5.99	2. 00	\$36.00 to \$36.99	11. 20
\$6.00 to \$6.99	2. 40	\$37.00 to \$37.99	11. 40
\$7.00 to \$7.99	2. 80	\$38.00 to \$38.99	11. 60
\$8.00 to \$8.99	3. 20	\$39.00 to \$39.99	11. 80
\$9.00 to \$9.99	3. 60	\$40.00 to \$40.99	12. 00
\$10.00 to \$10.99	4. 00	\$41.00 to \$41.99	12. 10
\$11.00 to \$11.99	4. 40	\$42.00 to \$42.99	12. 20
\$12.00 to \$12.99	4. 80	\$43.00 to \$43.99	12. 30
\$13.00 to \$13.99	5. 20	\$44.00 to \$44.99	12. 40
\$14.00 to \$14.99	5. 60	\$45.00 to \$45.99	12. 50
\$15.00 to \$15.99	6. 00	\$46.00 to \$46.99	12. 60
\$16.00 to \$16.99	6. 40	\$47.00 to \$47.99	12. 70
\$17.00 to \$17.99	6. 80	\$48.00 to \$48.99	12. 80
\$18.00 to \$18.99	7. 20	\$49.00 to \$49.99	12. 90
\$19.00 to \$19.99	7. 60	\$50.00 to \$50.99	13. 00
\$20.00 to \$20.99	8. 00	\$51.00 to \$51.99	13. 10
\$21.00 to \$21.99	8. 20	\$52.00 to \$52.99	13. 20
\$22.00 to \$22.99	8. 40	\$53.00 to \$53.99	13. 30
\$23.00 to \$23.99	8. 60	\$54.00 to \$54.99	13. 40
\$24.00 to \$24.99	8. 80	\$55.00 to \$55.99	13. 50
\$25.00 to \$25.99	9. 00	\$56.00 to \$56.99	13. 60
\$26.00 to \$26.99	9. 20	\$57.00 to \$57.99	13. 70
\$27.00 to \$27.99	9. 40	\$58.00 to \$58.99	13. 80
\$28.00 to \$28.99	9. 60	\$59.00 to \$59.99	13. 90
\$29.00 to \$29.99	9. 80	\$60.00 to \$185.99	14. 00
\$30.00 to \$30.99	10. 00	\$186.00 to \$199.99	(¹)
\$31.00 to \$31.99	10. 20	\$200.00 and over	(²)

¹ Increase to \$200.00.

² No increase.

B. Payments Limited to \$10,000. The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate, with respect to farms and turpentine places located

in Arkansas, shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate, with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico), shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

C. Deductions Incurred on Other Farms. (1) The net deduction computed for any landlord or tenant under sections 1 to 6, inclusive, shall be deducted from the share of the payment which would otherwise be made to him for performance on any other farms in the county.

(2) The net deduction computed for a landlord or tenant in a county shall be deducted from the payment computed for such person for performance on any other farms in the State, if the State committee finds that the crops grown and practices adopted on the farm for which such net deduction is computed substantially offset the contribution to the program made on such other farms.

D. Deduction for Association Expenses. There shall be deducted from the payments for any farm the pro rata share that the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

E. Payment Restricted to Effectuation of the Purposes of the Program. (1) All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned if (a) the county committee finds that he has used or has permitted, procured, or consented to the use of a marketing card contrary to the marketing quota regulations in effect for the 1939-40 marketing year, if erroneous yields result; (b) he has adopted any other practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural programs; (c) by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized; or (d) on forest land or woodland owned or controlled by him, he has adopted any practice which the Director of the Southern Division finds is contrary to sound conservation practices.

(2) No payments, except those for carrying out soil-building practices, shall be computed for any farm which is not operated in 1940.

F. Payment Computed and Made Without Regard to Claims. Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection H of this

section and indebtedness to the United States subject to set-off orders issued by the Secretary) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

G. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices. If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers that would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to him under the 1939 program, payments to the landlord or operator under the 1940 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, if the county committee certifies that the change is not justified and disapproves the change.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm during the years 1937 to 1939, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payment shall not be greater than the amount that would otherwise be paid to him, if the county committee certifies that the reduction is not justified and disapproves the reduction.

If the State committee finds that any person who files an application for payment under the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part the amount of any payment which has been or would otherwise be made to such person under the 1940 program.

H. Assignments. Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No assignment will be recognized unless it is made in writing on Form ACP-69, in accordance with instructions (ACP-70) issued by the AAA, and unless the assignment has priority as determined under instructions issued by the AAA.

Nothing contained in this section shall be construed to give an assignee (the person to whom the assignment is made) a right to any payment other than that to which the assignor (the farmer making the assignment) is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability, if payment is made to the farmer without regard to the existence of an assignment.

I. Excess Cotton Acreage. Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1940 shall file with such application a statement that he has not knowingly planted, or caused or permitted the planting of, cotton during 1940 on land in any farm in which he has an interest in excess of the cotton allotment for the farm for 1940, and that cotton was not planted in excess of such allotment by his authority or with his consent. Any person who knowingly plants, or causes

or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.

(1) In cases where the planting (seeding) of cotton on the farm was completed after notice of the cotton allotment was mailed to the operator, and the acreage planted to cotton on the farm exceeds the cotton allotment for the farm, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment; provided, that any producer will not be considered to have knowingly overplanted the cotton allotment if—

(a) he proves that the excess acreage was planted because of a bona fide mistake as to the number of acres in the tract(s) planted to cotton; or

(b) he did not participate in the planting of the cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

A notice of the cotton allotment mailed to the operator of the farm shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

(2) In any case where the planting of cotton on the farm was completed prior to the mailing of notice of the cotton allotment for the farm, the county committee shall determine that the farm was knowingly overplanted, if it finds that:

(a) The number of acres planted to cotton on the farm exceeded the number of acres which the producer might reasonably have expected to be allotted to the farm, or

(b) where, through an error or an oversight, no notice was mailed, but the fact that cotton allotments had been determined was known to the producer and, without making a reasonable effort to ascertain the amount of the allotment for his farm, he planted a number of acres which exceeded the allotment for his farm.

Whenever, as provided above in this paragraph (2), the county committee determines that the overplanting was knowingly done, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment; provided, that any producer will not be considered to have knowingly overplanted the cotton allotment, if he did not participate in the planting of cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

J. Materials Furnished to Carry Out Soil-Building Practices. If it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by

the AAA to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. If such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such materials to the AAA in any county, State, or other area. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and any balance of such deduction shall be prorated among the payments to other persons sharing in the payment for the farm on which such materials were used.

The producer to whom such materials are furnished shall agree that if the amount of the deduction for the materials exceeds the amount of the payment for the farm, the amount of such difference shall be repaid by him to the Secretary. The producer shall also agree that if the materials are used in a manner which is not in accord with the purposes for which such materials are furnished, the deduction for the materials misused shall be twice the regular rate of deduction in order to compensate the Government for damages because of such misuse, and he agrees also that any finding made in this connection by the county committee shall be final when approved by the State committee, subject to the right of appeal.

Section 10. APPLICATION FOR PAYMENT

A. Persons Eligible to File Applications. An application for payment for a farm may be made by any person who, under the provisions of section 8, shares in the payment which may be computed for any farm and (1) who at the time of harvest is entitled under a lease or operating agreement to share in the crops grown on the farm, or (2) who is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices.

B. Time and Manner of Filing Application and Information Required. Payment will be made only upon application submitted through the county office on or before March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required on any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment, if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

C. Application for Other Farms. If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a county and makes application for payment on one of such farms, such person must submit an application for all such farms which he operates or rents to other persons. Upon request of the State committee, any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops, or proceeds thereof, or rents to another for cash.

Section 11. APPEALS

Any person may, within 15 days after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) Eligibility to file an application for payment; (b) any allotment or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of such written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person in writing of its decision within 30 days after the receipt of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person, who, as landlord, tenant or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing, if he appears when the hearing thereon is held.

Section 12. DEFINITIONS

For the purposes of the 1940 program—

(1) **Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(a) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the AAA, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(b) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(2) **Person** means any individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(3) **Landlord or owner** means a person who owns land and rents such land to another person or operates such land.

(4) **Sharecropper** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(5) **Tenant** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of a crop produced thereon or of the proceeds thereof) and is entitled under a written or oral lease or agreement to receive all or a share of a crop produced thereon or of the proceeds thereof, and in the case of rice also means a person furnishing water for a share of the rice.

(6) **Cropland** means farm land which in 1939 was tilled or was in regular rotation.

(7) **Commercial orchards and perennial vegetables** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, bush fruits, or perennial vegetables on the farm on January 1, 1940 (excluding non-bearing orchards and vineyards), from which the major portion of the production is normally sold.

(8) **Non-crop open pasture land** means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any shrubs or trees is such that the land could not be fairly considered as woodland.

(9) **Special crop allotments or special allotments** means cotton, wheat, rice, or tobacco allotments.

(10) **Animal unit** means one cow, one horse, five sheep, five goats, two calves, two colts, or the equivalent thereof.

(11) The A Area of Arkansas means the following counties or areas:

Arkansas, Baxter, Benton, Boone, Carroll, Clay, Fulton, Independence, Madison, Marion, Newton, Randolph (except Area I), Searcy, Sharp, Stone, and Washington.

Section 13. AVAILABILITY OF FUNDS

The provisions of the 1940 program are necessarily subject to any legislation which Congress may enact. Payments and grants of aid will be made only from appropriations made by Congress for this purpose, and the amounts of the payments will be limited by the amount of the appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for the extent of participation in the program, the rates of payment and deduction may be increased or decreased by as much as 10 percent.

Issued January 20, 1940, with the approval of the Administrator.

J. W. Ruggan

Director, Southern Division.